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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/699,312

10/27/2000

Edward I. Comer

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06/24/2003

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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,312

Applicant(s)

COMER ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-19 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Collins et al..

The claimed invention reads on Collins et al. as follows:

Regarding claims 1,7 and 9, Collins et al. discloses a system (fig. 2a) for interconnecting a plurality of data communication devices (fig. 2a numbers 210 and 280), the system comprising: a first data communication path for receiving a transmission from a first data communication device (col. 5 lines 29-41); an arbitrator (internet gateway) (second communication device) operative to automatically determine, from the transmission (SMS), an identity of a second data communication device (internet terminal) (third communication device) determine from the identity of the second data communication device (col. 5 lines 43-47), a selected one of a plurality of data formats that is expected by the second data communication device (col. 5 lines 44-45), and convert the transmission into the selected data format (e-mail) determined from the identity of the second data communications device (col. 5 lines 44-65); and a second data communication path for transmitting the transmission converted by the arbitrator to the second data communication device (col. 6 lines 8-11).

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Regarding claims 2-5,10-12, Collins et al. discloses each of the plurality of data communication devices has an identifying characteristic (col. 5 lines 44-47), and wherein the arbitrator is further operative to: maintain a database (lookup table) that stores the identifying characteristics of each of the plurality of data communication devices (col. 5 lines 45-67); a method of transport (col. 5 line 51 through col. 6 line 10); retrieve the identifying characteristic of the first data communication device from the transmission received (col. 5 lines 45-53); and search the database with the identifying characteristic of the first data communication device to determine the identity of the second data communication device (col. 5 lines 45-67).

Regarding claims 6 and 13, Collins et al. discloses a wireless device (fig. 2a number 210), and wherein at least one of the first and second data communication paths is a data communication path for communicating with the wireless device (fig. 2a path between numbers 230, 240, 280 and description).

Regarding claim 8, Collins et al. discloses the data format is selected from global system for mobile telecommunications (col. 4 lines 24-29).

Allowable Subject Matter

3. Claims 14-19 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 14, the prior art of record fails to teach or suggest "using the first mobile MIN to identify the central data communication device and a data format expected by the central data communication device; converting the first transmission so that it is compatible with the data format expected by the central data communication device; and transmitting the converted first transmission to the central data communication device".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houde et al.

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(U.S. Patent 5,920,822) discloses formatting SMS message in a CDMA/TDMA cellular telephone network (fig. 4). Sawyer et al.

(U.S. Patent 5,946,629) discloses cellular telephone network having short message service interaction with other networks (abstract). Willars et al. (U.S. Patent 5,946,630) discloses forwarding short messages to mobile subscribers in a cellular communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Keith Ferguson *KF*

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June 5, 2003



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